

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF OREGON

PATRICK HENRY MAGUIRE

No. 3:17-cv-00548-HZ

Plaintiff,

OPINION & ORDER

v.

NANCY BERRYHILL  
COMMISSIONER, SOCIAL SECURITY,

Defendant.

Patrick H. Maguire  
1406 NW Oceanview Dr.  
Newport, OR 97365

*Pro Se* Plaintiff

United States Attorney's Office  
1000 S.W. Third Avenue, Suite 600  
Portland, Oregon 97204

Social Security Administration  
701 5th Ave., Suite 2900  
Seattle, WA 97104

Attorneys for Defendant

HERNÁNDEZ, District Judge:

Plaintiff Patrick Maguire's Application to Proceed In Forma Pauperis ("IFP") [1] is denied. A review of the application indicates that Plaintiff has a regular income of \$20,016 per year (based on his report of \$875 per month in rent and utilities and \$793 per month in Social Security Retirement benefits). Additionally, Plaintiff indicated that at that when he filed for IFP status, he had \$3,500 in his checking account. Plaintiff also lists his home as an asset worth \$325,000, of which he owes \$210,000. His additional assets include: a Cadillac worth \$3,500, a lot with an estimated value of \$10,000, and a boat slip worth \$5,000. A litigant must show that he "cannot because of his poverty pay or give security for the costs and still be able to provide himself and dependents with necessities of life." *Adkins v. E.I. DuPont de Nemours & Co.*, 335 U.S. 331, 339 (1948). Given Plaintiff's income and assets, the Court finds that Plaintiff has not demonstrated that he is unable to pay the filing fee. 28 U.S.C. § 1915(a)(1). Plaintiff is ordered to pay the filing fee within ten (10) days of the date of this Order. Failure to do so will result in the dismissal of the action.

#### CONCLUSION

Plaintiff's Application to Proceed In Forma Pauperis [1] is DENIED.

Dated this 27 day of April, 2017.



MARCO A. HERNÁNDEZ  
United States District Judge